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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,143

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EXAMINER

CARLOS, ALVIN LEABRES

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,143	Applicant(s) GORADIA, GAUTAM DHARAMDAS	
	Examiner ALVIN L. CARLOS	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-52 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office action in response to communications received May 28, 2008. Claims 1-24 have been cancelled and claims 26, 28, 30, 35, 36, 41, 44, 45, 46 and 52 have been amended. Claims 25-52 are now pending.

Response to Amendments

2. Applicant's amendments to the claims 26, 28, 30, 35, 36, 41, 44, 45, 46 and 52 are sufficient to overcome the 35 U.S.C. 112, second paragraph rejection set forth in the previous office action.

3. Applicant's amendments to the claims 26, 28, 30, and 35 are sufficient to overcome the 35 U.S.C. 102(b) rejections for claims 26, 28, 30 and 35, set forth in the previous office action.

4. Applicant's amendments to the claim 45 is sufficient to overcome the 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Blonder 5760771 for claim 45, set forth in the previous office action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 25, 27, 29, 31-32, 36-40, 42, 48-49 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sonnenfeld 6112049.

Re claim 25, Sonnenfeld teaches an interactive system for building, organizing, and sharing one's own databank of questions and answers in a variety of questioning formats using a computer system (column 1 lines 56-60), comprising a user interface (column 3 lines 43-44), well-classified databases to store data user wise including a user database (column 3 lines 46-48), well classified data input, organizing and management module (column 4 lines 40-44), modules for sharing, invoking, storing, evaluating, and improving one's knowledge using the data from the databank, said data having been selected by a user by "FIND" conditions (column 5 lines 7-8), and a control system acting as a bridge between the user interface and the databases (column 8 lines 46-48).

Re claim 27, Sonnenfeld teaches the modules including a question bank-rapid entry module for allowing the user to build questions and answers rapidly by minimum classifications (column 12 line 56-65).

Re claim 29, Sonnenfeld teaches the modules include a comprehension bank module for allowing the user to build and share a databank of passages by well-defined classifications (column 17 lines 12-14), questions and answers based on passages in various questioning formats (column 2 lines 5-11), such that the user acquires an improved comprehension of said passages (column 17 lines 17-24).

Re claim 31, Sonnenfeld teaches the comprehension bank module allows the user to export the questions and answers based on the passages to the data input organizing and management module by "FIND" conditions (column 26 lines 21-34).

Re claim 32, Sonnenfeld teaches the modules including a practice session module for allowing the user to invoke and store a practice session for continuous improvement of one's knowledge on any subject, using the data from the databank by "FIND" conditions (column 14 lines 47-67 and column 15 lines 1-12).

Re claim 36, Sonnenfeld teaches the create a test/quiz module enables verifying, using a backtracking utility, questions being selected for the test or quiz, have been used during any user specified earlier period for the person(s) who will face the test or quiz (column 7 lines 48-67 and column 8 lines 1-16), avoiding duplication of questions (column 8 lines 24, 40-41).

Re claim 37, Sonnenfeld teaches the modules including a scheduler module for allowing the user to schedule data by FIND conditions, and said data is brought up on the user's computer system at preset time intervals (column 10 lines 21-23).

Re claim 38, Sonnenfeld teaches the modules include an export module for allowing the user to export data from the databank, said data having been selected by the user by "FIND" conditions (column 2 lines 32-40).

Re claim 39, Sonnenfeld teaches the modules include an import module for allowing the user to import data built by other users (column 9 lines 20 and 35).

Re claim 40, Sonnenfeld teaches the import module further includes a utility for selectively importing the data (column 26 lines 11-27).

Re claim 42, Sonnenfeld teaches the data input organizing and management module further includes a utility for copying of existing classification and previously entered data, for new data input by the user (column 26 lines 28-34), for ease of data entry, with a choice of defining the extent of the details to be copied (column 45 lines 63-67 and column 46 lines 1-6).

Re claim 44, Sonnenfeld teaches the modules include a reports module for allowing a user to print reports (column 9 lines 59-65 and column 30 lines 55-65), or graphs about the data in the databank by FIND conditions (column 61 lines 37-40).

Re claim 48, Sonnenfeld teaches the modules including a tools/help menu options for allowing the user to select an option for customization including system maintenance and updating of database (column 17 lines 25-67 and column 18 lines 1-37).

Re claim 49, Sonnenfeld teaches the modules including a master module for allowing the user to create and store masters for well-defined classifications (column 17 lines 42-50).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 26, 28, 30, 35 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049.

Re claims 26, 28, and 30, Sonnenfeld teaches data input organizing and management module allows the user to classify the data by classifications (column 7 lines 1-47 and column 9 lines 7-44).

However, Sonnenfeld does not positively disclosed age group and language.

Since Sonnenfeld teaches building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26), it would have been obvious to one of ordinary skill in the art at the time of the invention to use any data classifications including but not limited to Date, Language, Source of Information, Age Group, Difficulty Level, Subject and Sub subjects in order to provide an automated testing system allowing design and administration of hierarchical testing scheme that eases the burden of creating and giving out tests, and allows a fine grain of control over testing parameters (column 1 lines 56-60).

Re claim 35, Sonnenfeld teaches the modules including creating a test/quiz module (column 8 lines 46-48), and an instant test/quiz module for allowing the user to create, print tests or quizzes manually or automatically (column 30 lines 55-65), by various classifications (column 2 lines 2-30), and further allowing the user to assign marks to each question, using the data from the databank, by "FIND" conditions (column 8 lines 9-16 and column 39 lines 47-55).

However, Sonnenfeld does not positively disclosed Venue, Name of test or quiz, Categories and Sub- categories.

Since Sonnenfeld teaches building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26), it would have been obvious to one of ordinary skill in the art at the time of the invention to use any data classifications including but not limited to the Date of test or quiz, Venue, Name of test or quiz, Categories and Sub- categories in order to provide an automated testing system allowing design and administration of hierarchical testing scheme that eases the burden of creating and giving out tests, and allows a fine grain of control over testing parameters (column 1 lines 56-60).

Re claim 45, Sonnenfeld teaches the invention as discussed above.

However, Sonnenfeld does not positively teaches the "FIND" conditions are defined by classifications including but not limited to Date, Record ID, Language, Source of Information, Age Group, Difficulty Level, Subject, Sub Subjects, Test or Quiz Title, Test or Quiz Venue, Category and Sub Categories as well as by keywords, separators, wildcard characters, file attachments, attachment remarks, associations, association remarks, import remarks, or bookmark remarks including whether or not a record is marked as "Set for Practice" or "Mastered" or either, "Private" or "Public" or either, as well as "Favourite", Practice Session Title, Test or Quiz Title, Test or Quiz Venue, Category and Sub categories.

Since Sonnenfeld teaches building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26), it would have been obvious to one of ordinary skill in the art at the time of the invention to use any data classifications including but not limited to Date, Record ID, Language, Source

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of Information, Age Group, Difficulty Level, Subject, Sub Subjects, Test or Quiz Title, Test or Quiz Venue, Category and Sub Categories as well as by keywords, separators, wildcard characters, file attachments, attachment remarks, associations, association remarks, import remarks, or bookmark remarks including whether or not a record is marked as "Set for Practice" or "Mastered" or either, "Private" or "Public" or either, as well as "Favourite", Practice Session Title, Test or Quiz Title, Test or Quiz Venue, Category and Sub categories in order to provide an automated testing system allowing design and administration of hierarchical testing scheme that eases the burden of creating and giving out tests, and allows a fine grain of control over testing parameters (column 1 lines 56-60).

9. Claims 33-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of O'Brien 6651071.

Re claim 33, Sonnenfeld teaches the invention as discussed above.

In addition, Sonnenfeld further teaches print a test module (column 30 lines 55-65), individual test report module (column 9 lines 56-57), and an overall evaluation report module (column 9 lines 59-65).

However, Sonnenfeld fails to teach the following claimed limitations as taught by O'Brien: the modules include a self-evaluation test module (column 3 lines 4-6), invoke and store self-evaluation tests (column 6 lines 14-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of O'Brien in order to enable a

student to quickly identify where further work is required and the types of courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

Re claim 34, Sonnenfeld teaches the invention as discussed above.

In addition, Sonnenfeld further teaches a utility for viewing a replay of a self-evaluation test along with the user's actions performed and to obtain reports of such replays (column 62 lines 46-54).

However, Sonnenfeld fails to teach the following claimed limitations as taught by O'Brien: the modules include a self-evaluation test module (column 3 lines 4-6), and report self-evaluation tests (column 6 lines 14-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of O'Brien in order to enable a student to quickly identify where further work is required and the types of courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

10. Claim 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Blonder 5760771.

Sonnenfeld teaches the invention as discussed above.

In addition, Sonnenfeld further teaches The system according to claim 25 wherein the modules including a Global Changes Module for allowing the user to modify records, delete records, remarks, translate records (column 17 lines 42-55), attach image, animation or sound files, or combinations thereof to a record, associate more information to a record in the form of URLs, files, remarks, or mark records as "Set for

Practice" or "Mastered", "Public" or "Private", and "Favourite", individually as well as globally (column 13 lines 8-27).

However, Sonnenfeld fails to teach the following claimed limitations as taught by Blonder: bookmark records (column 5 lines 12-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Blonder in order to provide a system and method for providing a structured, organized tour of hypertext files as taught by Blonder (column 2 lines 42-44).

11. Claim 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Blonder 5760771 and further in view of O'Brien 6651071.

Sonnenfeld i.v., Blonder teaches the invention as discussed above. In addition, Sonnenfeld further teaches the "FIND" conditions allow the user to avoid questions that may have been faced by the user in before a specified number of days or for a specified number of times or based on a score or combination thereof that the user achieved on the questions during a specified period of time (column 8 lines 8-26).

However, Sonnenfeld i.v., Blonder fails to teach the following limitations as taught by O'Brien: the modules include a self-evaluation test module (column 3 lines 4-6), invoke and store self-evaluation tests (column 6 lines 14-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld i.v., Blonder invention further in view of O'Brien in order to enable a student to quickly identify where further work is required and the types of

courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

12. Claim 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Budra 6726486. Sonnenfeld teaches the invention as discussed above.

However, Sonnenfeld fails to teach the following claimed limitations as taught by Budra: the modules including a recycle bin module for allowing the user to restore or permanently remove a record individually or plurally from the system (column 9 lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Budra in order to provide a computing device for training a student to categorize words into a plurality of categories as taught by Budra (column 2 lines 42-44).

13. Claim 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Parry 6077085. Sonnenfeld teaches the invention as discussed above.

However, Sonnenfeld fails to teach the following claimed limitations as taught by Parry: the modules including a translation module for allowing translation of a record from one language into another of user's choice, individually or globally (column 11 lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Parry in order to provide a learning

system that can accommodate students with differing native languages as taught by Parry (column 2 lines 44-46).

14. Claim 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Lundberg 5980264. Sonnenfeld teaches the invention as discussed above.

However, Sonnenfeld fails to teach the following claimed limitations as taught by Lundberg: the modules include a screen saver module for allowing the user to display the data in the databank as screen savers (column 2 lines 30-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Lundberg in order to provide a customizable screen saver program that can display information or questions and answers and score the user's performance as taught by Lundberg (column 1 lines 32-34).

15. Claim 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Parry 6077085 and further in view of Sweitzer 6018617. Sonnenfeld i.v., Parry teaches the invention as discussed above. In addition, Parry teaches the use of flash cards (column 13 lines 13-15).

However, Sonnenfeld i.v., Parry fails to teach the following limitations as taught by Sweitzer: a utility which allows the user to print worksheets from the data in the databank (column 4 lines 9-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld i.v., Parry invention further in view of Sweitzer in order to

provide a system for producing tests with the capability of formatting mathematical expressions that be printed and displayed in a uniform manner as taught by Sweitzer (column 2 lines 45-48).

16. Claim 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Naughton 6154209. Sonnenfeld teaches the invention as discussed above.

In addition, Sonnenfeld further teaches the modules and utilities are adapted to be operated within a browser (column 12 lines 42-47), other viewing or processing programs and to operate on computers (column 12 lines 55-65).

However, Sonnenfeld fails to teach the following claimed limitations as taught by Naughton: utilities are adapted to be operated within hand held devices (column 3 lines 65-67 and column 4 lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Naughton in order to provide an intuitive graphical user interface displayed on a hand-held display device as taught by Naughton (column 3 lines 21-24).

Response to Arguments

17. Applicant's arguments filed May 28, 2008 have been fully considered but they are not persuasive.

18. Applicant's arguments with respect to claims 26, 28, 30, 35 and 45 have been considered but are moot in view of the new ground(s) of rejection as discussed above.

19. In response to applicant's argument that Sonnenfeld does not teach building, organizing and sharing a database of the questions and answer. The Examiner disagrees. Sonnenfeld positively teaches a database building block of the test including a content portion and set of parameters. This building block is assembled into a logical unit by an application program. In addition, Sonnenfeld Interactive Testing System inherently provide various application program that builds, organize and share the database through a computer network or other information distribution media.

20. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin L Carlos/
Examiner, Art Unit 3714
09/25/2008

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